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EXAMINER

MORRISON, THOMAS A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,535

Applicant(s)

PARK, EUNG MIN

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 13-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 1-7 and 10-12 are directed to the originally claimed invention, which involves overlapping arrangements of conveying rollers and separating rollers to separate sheets. In contrast, claims 13-16 are directed to conveying rollers and first and second separating rollers that are arranged such that the second separating rollers are selectively operated based upon a media type. Moreover, claims 17-20 are directed to conveying rollers and first and second separating rollers arranged such that the first separating rollers separate a first media and the second separating rollers separate a second media having lower stiffness than the first media. As such, the new claims are directed to inventions that are independent or distinct from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the second conveying rollers" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-4, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by European Publication No. GB2132737. In particular, European Publication No. GB2132737 discloses all of the limitations of claims 1 and 3-4.

Regarding claim 1, Figs. 1-4 and 7 show a media pick-up device of a media dispenser, including

a plurality of conveying rollers (7a, 7b, 7c) rotated by a driving force of a driving means (see Fig. 3 and page 5, lines 44-50), for conveying media,

first separating rollers (6a, 6b) arranged with overlaps to the conveying rollers (7a, 7b, 7c) to separate the media one by one (e.g., separate media from the stack); and

second separating rollers (17a, 17b) arranged to face an outer surface of the conveying rollers (7a and 7c) with gaps (Fig. 7) between the second separating rollers (17a, 17b) and the conveying rollers (7a and 7c), for generating a frictional force to the media. Regarding the separation limitation of the first separating rollers (6a and 6b), it is noted that the first separating rollers (6a, 6b) are positioned such that they overlap the conveying rollers (7a, 7b, 7c) and also separate the media (media P in Fig. 7) from a stack of media in the collecting base 1. See page 2, lines 25-30. As such the first separation rollers separate the sheets one by one. Thus, the European Publication No. 2132737 meets the limitations of claim 1 as now amended.

Regarding claim 3, Fig. 3 shows that the conveying rollers (7a, 7b, 7c) comprise first conveying rollers (i.e., 3 first conveying rollers formed on the outer surface of 7c, and 3 conveying rollers formed on the outer surface of 7a, as shown in the crosshatched areas of Fig. 3). These first conveying rollers are arranged with overlaps to the first separating rollers (6a, 6b), as shown in Figs. 3 and 7. Also, there are second conveying rollers (i.e., 2 second conveying rollers formed on the outer surface of 7b, as shown in the crosshatched area of Fig. 3). In addition, Fig. 7 clarifies that these second conveying rollers are arranged to face the second separating rollers (17a, 17b) with gaps between the second separating rollers (17a, 17b) and the second conveying rollers.

Regarding claim 4, Fig. 3 shows that the second conveying rollers (i.e., 2 rollers formed on the outer surface of 7b) are arranged between the first conveying rollers (i.e., the 3 rollers formed on the outer surface of 7a and the three rollers formed on the outer surface of 7c) at predetermined intervals.

Response to Amendment

4. Applicant's arguments filed March 29, 2005 have been fully considered but they are not persuasive.

Applicant has overcome the drawing objections.

With regard to the prior art rejections of claims 1 and 3-4, applicant argues that the rollers 6a and 6b merely convey the paper sheet 'P', irrespective of a function of separating media one by one, and actually, the paper sheet 'P' is separated one by one according to the frictional force generated when the media passes an area between the rollers 7a, 7b and 7c and the rollers 17a and 17b.

In response, it is noted that the media "P" is initially in a stack on a collecting base 1 (e.g., 1000 sheet stack). The rollers (6a and 6b) act to separate the media sheets "P" from the stack one by one. As such, the rollers (6a and 6b) are separating rollers. Also, the claimed arrangement between the conveying rollers and the separating rollers is satisfied.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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